

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160299
	:	TRIAL NO. B-1407102
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DAVID BALDRICK,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

On September 2, 2015, defendant-appellant David Baldrick pled guilty to operating a motor vehicle while under the influence of alcohol, a third-degree felony, and forgery, a fifth-degree felony. After the trial court accepted Baldrick's plea, it continued the matter for sentencing until October 15, 2015. Baldrick failed to appear at the sentencing hearing, and a *capias* was issued for his arrest. Baldrick was arrested on the *capias* and returned to court for sentencing on February 16, 2016. The trial court imposed a sentence of 36 months' imprisonment for the offense of operating a motor vehicle while under the influence of alcohol, and a sentence of 12 months' imprisonment for the offense of forgery. These sentences were made consecutive, resulting in an aggregate sentence of 48 months' imprisonment.

In a single assignment of error, Baldrick argues that the trial court imposed a sentence that was contrary to law because it imposed consecutive sentences based in part on his failure to appear at the original sentencing hearing.

Under R.C. 2953.08(G)(2), we may only vacate or modify a defendant's sentence if we clearly and convincingly find that the record does not support any mandatory sentencing findings or that the sentence imposed is otherwise contrary to law. *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231; *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.).

The record does not support Baldrick's contention that the trial court imposed consecutive sentences because he had failed to appear at the original sentencing hearing. Prior to imposing sentence, the trial court stated that "I will place my sentencing notes into the record. These notes were originally prepared for sentencing scheduled for October 15, 2015." The trial court then discussed Baldrick's criminal record, which included six prior convictions for driving under the influence. The court noted that Baldrick had previously failed to successfully complete community control for both felony and misdemeanor offenses, and it then made the necessary findings under R.C. 2929.14(C)(4) to support the imposition of consecutive sentences. These findings were supported by the record. When discussing its notes and imposing sentence, the trial court never mentioned Baldrick's failure to appear at the original sentencing hearing. The record clearly indicates that the trial court did not base the sentence imposed on Baldrick's failure to appear.

The trial court did not impose a sentence that was contrary to law. The mandatory sentencing findings were supported by the record. And the sentences imposed fell within the available statutory ranges and were not otherwise contrary to

law. Baldrick's assignment of error is overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CUNNINGHAM, P.J., MYERS and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on April 12, 2017  
per order of the court \_\_\_\_\_.  
Presiding Judge